



## **VARIANCES AND EXEMPTIONS**

Exemptions issued under 12 VAC 5-30 (1990 EMS Regulations) will expire when the 2003 Virginia EMS Regulations go into effect. Previous exemptions are based on prior regulations that will no longer be in effect.

Variances issued under 12 –VAC 5-30 (1990 EMS Regulations) will be honored by the Office of EMS until they expire. This will enable technicians, currently under a variance, to re-certify, take an examination, or complete their military obligations as needed.

### **12 VAC 5-31-50. Variances.**

A. The Office of EMS is authorized to grant variances for any part or all of these regulations in accordance with the procedures set forth herein. A variance permits temporary specified exceptions to these regulations. An applicant, licensee, or permit or certificate holder may file a written request for a variance with the Office of EMS on specified forms. If the applicant, licensee, or permit or certificate holder is an EMS agency or wheelchair interfacility transport service, the following additional requirements apply:

1. The written variance request must be submitted for review and recommendations to the governing body of the locality in which the principal office of the EMS agency, early defibrillation service or wheelchair interfacility transport service is located prior to submission to the Office of EMS.

2. An EMS agency operating in multiple localities will be required to notify all other localities in writing of conditions of approved variance requests.

3. Issuance of a variance does not obligate other localities to allow the conditions of such variance if they conflict with local ordinances or regulations.

B. Both the written request and the recommendation of the governing body must be submitted together to the Office of EMS.

#### **12 VAC 5-31-110. Exemptions.**

A. The board is authorized to grant exemptions from any part or all of these regulations in accordance with the procedures set forth herein. An exemption permits specified or total exceptions to these regulations for an indefinite period.

B. Request. A person may file a written request for an exemption with the Office of EMS on specified forms. If the request is made by an EMS agency, early defibrillation service or wheelchair interfacility transport service, the following additional requirements apply:

1. The written request for exemption must be submitted for review and recommendation to the governing body of the locality in which the principal office of the EMS agency, early defibrillation service or wheelchair interfacility transport service is located before submission to the Office of EMS.

2. The written request must be submitted to the Office of EMS a minimum of 30 days before the scheduled review by the governing body. At the time of submission, the agency or service must provide the Office of EMS with the date, time and location of the scheduled review by the governing body.

#### **12 VAC 5-31-120. Public notice of request for exemption.**

Upon receipt of a request for an exemption, the Office of EMS will cause notice of such request to be published in a newspaper of general circulation in the area wherein the person making the request resides and in other major newspapers of general circulation in major regions of the Commonwealth. The cost of such public notice will be borne by the person making the request.

## **12 VAC 5-31-130. Public hearing for exemption request.**

If the board determines that there is substantial public interest in a request for an exemption, a public hearing may be held.

## **12 VAC 5-31-140. Issuance of an exemption.**

A. A request for an exemption may be approved and an exemption issued provided all of the following conditions are met:

1. The information contained in the request is complete and correct.
2. The need for such an exemption is determined to be genuine.
3. The issuance of an exemption would not present any risk to, threaten or endanger the public health, safety or welfare of citizens.

B. If the request is made by an EMS agency, early defibrillation service or wheelchair interfacility transport service, the board may accept the recommendation of the governing body provided all of the conditions in subsection A of this section are met.

C. The person making the request will be notified in writing of the approval or denial of a request.